

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: AUGUST 19, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (5-2/rt/bg vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. There shall be an administrative review of the Special Use Permit one year after the final inspection for change of occupancy.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Church/House of Worship use.
3. Conformance to the conditions for Site Development Plan Review (SDR-34254), if approved.
4. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to convert an existing 5,313 square-foot single-family residence to a Church/House of Worship use. The proposed Church/House of Worship use is residential in appearance and will be primarily utilized for services on the weekend. The proposed Church/House of Worship is aesthetically compatible in appearance and its intended use within a predominately residential area will have a minimal impact on the surrounding area; therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
11/15/06	The City Council approved a General Plan Amendment (GPA-14304) to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to M (Medium Density Residential), Rezoning (ZON-14308) from R-E (Residence Estates) to R-3 (Medium Density Residential), Variance (VAR-14309) to allow a residential adjacency setback of 10 feet in the side yard area and 23 feet in the rear yard where 87 feet is the minimum setback required and a Site Development Plan Review (SDR-14306) for a 68-unit condominium development and a Waiver of perimeter landscape buffer requirements on 3.52 acres at 5300 North Rainbow Boulevard.
02/13/09	A deed was recorded for a change in ownership at 5300 North Rainbow Boulevard.
06/11/09	The Planning Commission recommended approval of companion item SDR-34254 concurrently with this application.  The Planning Commission voted 5-2/rt/bg to recommend APPROVAL (PC Agenda Item #33/bts).
<b><i>Related Building Permits/Business Licenses</i></b>	
1984	The County Assessor's Office indicates a construction date of 1984.

<b><i>Pre-Application Meeting</i></b>	
04/07/09	<p>The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and Special Use Permit applications.</p> <ul style="list-style-type: none"> <li>• Waivers and exceptions for landscaping were discussed.</li> <li>• The conversion of a single-family dwelling into a Church/House of Worship was discussed.</li> <li>• On-site parking requirements were discussed for the intended use.</li> <li>• Public Works, Fire and Traffic concerns were also discussed.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application nor was one held.	
<b><i>Field Check</i></b>	
05/07/09	<p>A field check was completed on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> <li>• An existing 5,313 square-foot single-family residential home.</li> <li>• Three existing block walls on the east, north and south property lines.</li> <li>• An enclosed well site adjacent to the north property line.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.52 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-Family Dwelling	MLA (Medium Low Attached Density Residential)	R-E (Residence Estates)
North	Child Care Facility and Single-Family Dwelling	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Dwelling	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District – (200-foot)	X		Y
<b>Trails – (Multi-Use Non-Equestrian Trail)</b>	X		N

<b>Rural Preservation Overlay District</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	1,011 SF	1 space per 100 SF of gathering room	10	1	10	1	Y
TOTAL			11		11		Y

## ANALYSIS

- Use (Church/House of Worship)**

Title 19.04 defines a Church/House of Worship as any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This use includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities, but not only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. This use does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

The applicant has not indicated any other use of the facilities than for church services within their justification letter. Furthermore, the applicant has indicated the services are to occur on Sunday mornings, and Sunday, Wednesday and Thursday evenings.

The applicant complies with all minimum Special Use Permit requirements for a Church/House of Worship within an R-E (Residence Estates) zoning district. Therefore, staff is recommending approval of the proposed Church/House of Worship as it is harmonious and compatible for the subject site and for this area of the City.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. The proposed Church/House of Worship is residential in appearance. The intended use is minor in nature and will have a minimal impact on the surrounding neighborhood.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the proposed Church/House of Worship use.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed from Rainbow Boulevard, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and will provide adequate access to the proposed use. A negligible impact to neighborhood traffic will occur as a result of this request.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Church/House of Worship use is consistent with the requirements of LVMC Title 19.04.

**PLANNING COMMISSION ACTION**

The Planning Commission added condition #1 as shown to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 567 by City Clerk

**APPROVALS** 1

**PROTESTS** 1